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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,105	10/04/2000	Glenn Reid	004860.P2471	8214

7590   05/19/2005

Lisa Benado
Blakely Sokoloff Taylor & Zafman LLP
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026

EXAMINER
CHUONG, TRUC T

ART UNIT	PAPER NUMBER
2179	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/680,105	REID, GLENN
		Examiner	Art Unit
		Truc T Chuong	2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _11 February 2005_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-73 and 75-84_ is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-73 and 75-84_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on _04 October 2000_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   This communication is responsive to the Appeal Brief, filed 02/11/05.

2.   Claims 1-73 and 75-84 are pending in this application. Claims 1, 11, 20, 28, 37, 42, 47,

52, 57, 61, 65, 69, 73, 76, 79, and 82 are independent claims, and claim 74 is cancelled. This

action is made non-final.

3.   In view of the Appeal Brief filed on 02/11/05, PROSECUTION IS HEREBY

REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following

two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37

CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a

supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or

other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-73 and 75-84 are rejected under 35 U.S.C. 102(e) as being anticipated by

Foreman et al. (U.S. Patent No. 6,628,303 B1).

As to claim 20, Foreman teaches a processing system for collecting a time based stream

of information to generate a presentation comprising:

(i) means for communicating with an information source having a time based

stream of information (e.g., a video editing system for editing video information which

can be captured directly into a timeline, col. 1 line 64-col. 2 line 8, col. 9 lines 51-58, and

figs. 8-9);

(ii) means for presenting capture information from the time based stream of

information on a portion of the display device, while the capture information is acquired

from the information source in a capture mode, the capture mode to import the time based

stream of information into the system (capture mode, e.g., col. 2 lines 45-67, col. 9 lines

23-35, 51-56, and figs. 8-9);

(iii) means for presenting process information for constructing the presentation on

the display device (The software providing the editing instructions and graphical user

interface to access these instructions is also designed to interact the video player, e.g.,

col. 7 lines 9-11); and

(iv) means for presenting at least one enabled control element (capture mode, e.g.,

col. 2 lines 45-67, col. 9 lines 23-35, 51-56; switching to different windows and sub-

windows, and figs. 8-12).

As to dependent claim 21, Foreman teaches the system further including a means for capturing the time based stream of information from the information source (capture mode, e.g., col. 2 lines 45-67, col. 9 lines 23-35, 51-56, and figs. 8-9).

As to dependent claims 22-23, Foreman teaches that the capturing is by executing an interrupt procedure (When the user has finished capturing the selected motion video information, the stop button is depressed and the data file on the hard disk is closed, e.g., col. 10 lines 20-25).

As to dependent claim 24, Foreman teaches one of the enabled control elements is to edit the information (capture mode, e.g., col. 2 lines 45-67, col. 9 lines 23-35, 51-56; switching to different windows and sub-windows, and figs. 8-12).

As to claim 25, Foreman teaches the system of claim 20, wherein at least one of the enabled control elements is to perform side operations (e.g., col. 3 lines 55-59).

As to dependent claim 26, Foreman teaches the system further including a means for presenting an edit output on the same portion of the display for presenting the capture information (entire captured movie/clip can be viewed on the viewer window, e.g., figs. 8 and 13).

As to dependent claim 27, Foreman teaches presenting of capture information is automatic in response to the communicating with the information source (other capturing devices are also connected to the editing system, e.g., col. 5 lines 35-50).

As to claims 1-6, and 9-10, they are the equivalent method claims of system claims 20-27 respectively and are rejected under a similar rationale.

As to dependent claim 7, Foreman teaches one of the enable control elements is output control (fig. 10 shows the Effects screen is selected for editing, and the editor can control the outputs such as Play, Volume, and inserting effects to the screen for display).

As to claim 11, Foreman teaches a processing system for generating a presentation of a time based stream of information, the system comprising:

A) a capture port for acquiring the time based stream of intonation (e.g., col. 2 lines 45-61 and fig. 8);

B) a display device (e.g., figs. 8-10); and

C) a processor coupled to the capture port and to the display device, the processor configured to:

> i.   complicate with an information source having a time based stream of information through the capture port (e.g., a video editing system for editing video information which can be captured directly into a timeline, col. 1 line 64- col. 2 line 8, col. 9 lines 51-58, and figs. 8-9);

> ii.   present capture information from the time based stream of infatuation on a portion of the display device while the capture information is acquired from the information source in a capture mode, the capture mode to import the time based stream of information into the system (capture mode, e.g., col. 2 lines 45-67, col. 9 lines 23-35, 51-56, and figs. 8-9);

> iii.   present process information for constructing the presentation on the display device (The software providing the editing instructions and graphical user

interface to access these instructions is also designed to interact the video player,

e.g., col. 7 lines 9-11); and

iv.   present at least one enabled control element (capture mode, e.g., col. 2

lines 45-67, col. 9 lines 23-35, 51-56; switching to different windows and sub-

windows, and figs. 8-12).

As to claims 12-19, these are the equivalent system claims of method claims 2-7 and 9-10

respectively and are rejected under a similar rationale.

As to claim 8, it is the equivalent method claim of system claim 17 and is rejected under

a similar rationale.

As to claims 28-33 and 35-36, these are the equivalent program product claims of system

claims 20-27 respectively and are rejected under a similar rationale.

As to dependent claim 34, Foreman teaches that the capturing is by executing an interrupt

procedure (When the user has finished capturing the selected motion video information, the stop

button is depressed and the data file on the hard disk is closed, e.g., col. 10 lines 20-25).

As to claims 42, 37, and 76, Foreman teaches a processing system for generating a

presentation of a time based stream of information, the system comprising:

A) a capture port for acquiring the time based stream of information (e.g., a video editing

system for editing video information which can be captured directly into a timeline, col. 1 line

64-col. 2 line 8, col. 9 lines 51-58, and figs. 8-9);

B) a display device (figs. 7-12); and

C) a processor coupled to the capture port and to the display device (a computer system

to perform editing tasks, e.g., col. 5 lines 20-57), the processor configured to:

> > i) detect an information source having a time based stream of information in

communication with the processing system (e.g., a video editing system for editing video

information which can be captured directly into a timeline, col. 1 line 64-col. 2 line 8,

col. 9 lines 51-58, and figs. 8-9), and

> > ii) automatically present capture information from the time based stream of

information on a display in response to detecting (col. 1 line 64-col. 2 line 8, col. 9 lines

51-58, and figs. 8-9), while the capture information is acquired from the information

source in a capture mode, the capture mode to import the time based stream of

information into the system (capture mode, e.g., col. 2 lines 45-67, col. 9 lines 23-35, 51-

56, and figs. 8-9).

As to claim 38, this is the equivalent method claim of system claim 27 and is rejected

under a similar rationale.

As to dependent claim 39, Foreman teaches the detecting is by receiving a signal from the

information source through a capture port on the processing system, and wherein the

automatically presenting comprises opening a window on the display device (capture mode, e.g.,

col. 2 lines 45-67, col. 9 lines 23-35, 51-56; switching to different windows and sub-windows,

and figs. 8-12).

As to claims 40 and 41, they are the equivalent method claims of system claims 21 and

23 respectively and are rejected under similar rationale.

As to claims 43-44, they are the equivalent system claims of method claims 38-39

respectively and are rejected under a similar rationale.

As to dependent claim 45, it is equivalent to system claim 21 and is rejected under a similar rationale.

As to claim 46, this is the equivalent system claim of method claim 41 and is rejected under a similar rationale.

As to claims 47-51, they are the equivalent system claims of method claims 37-41 respectively and are rejected under a similar rationale.

As to claims 52-56, they are the equivalent product claims of system claims 47-51 respectively and are rejected under a similar rationale.

As to claims 57 and 73, this is the equivalent method claim of system claim 42 and is rejected under a similar rationale; and Foreman also teaches (C) presenting an edit output on the viewing portion of the display during an edit mode (figs. 8-12).

As to claims 58, this is the equivalent method claim of system claim 51 and is rejected under a similar rationale.

As to claim 59, this is the equivalent method claim of program product claim 32 and is rejected under a similar rationale.

As to claim 60, this is the equivalent method claim of system claim 25 and is rejected under a similar rationale.

As to claim 61, this is the equivalent system claim to generate a presentation of a time based stream of information of system independent claim 42 combined with the method claim 57. Note the rejections of claims 42 and 57 above.

As to claims 62-64, these are system claims of method claims 58-60. Note the rejections of claims 58-60 above respectively.

As to claims 65-68, these are the equivalent system claims of method claims 57-60 respectively and are rejected under a similar rationale.

As to claims 69-72, these are the equivalent program product claims of system claims 65-68 respectively and are rejected under a similar rationale.

As to dependent claim 75, Foreman teaches the editing window includes a toggle control, element to switch between capture and edit mode within the editing window (fig. 8 shows record and stop buttons on the editing window).

As to dependent claim 77, Foreman teaches the automatically engage is in response to the detect (the system will detect if the capture mode is selected to start recording/bringing the clips into the destination, e.g., col. 2 lines 45-67, col. 9 lines 23-35, 51-56, and figs. 8-9).

As to claim 78, this is the equivalent system claim of claim 75 and is rejected under a similar rationale.

As to claims 79-81, these are the equivalent system claims of method claims 73, 75, and 77 respectively and are rejected under a similar rationale.

As to claims 82-84, these are the equivalent program product claims of method claims 73, 75, and 77 respectively and are rejected under a similar rationale.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mill et al. (U.S. Patent No. 5,237,648) teach video editing system, capturing mode, timeline, and drag and drop (cols. 2-9 and figs. 2-5).

Blumenau (U.S. Patent No. 5,664,216) teaches capturing video, edit, playback, and timeline (cols. 2-12 and figs. 3-4).

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 571-272-4134. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Truc T. Chuong

05/15/05

HEATHER R. HERNDON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100